

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA, §
v. §
Plaintiff, §
THE STATE OF TEXAS, § Civil No. 1:21-cv-796-RP
Defendant. §

UNITED STATES' RESPONSE TO MOTIONS TO INTERVENE

The United States hereby responds to the Motion to Intervene by Erick Graham, Jeff Tuley, and Mistie Sharp, filed September 22, 2021 (Dkt. 28), and the Motion to Intervene by Oscar Stilley, filed September 24, 2021 (Dkt. 31). Messrs. Graham and Tuley and Ms. Sharp seek to intervene as defendants of right under Federal Rule of Civil Procedure 24(a) or, in the alternative, permissively under Federal Rule of Civil Procedure 24(b). *See* Dkt. 28 at 1. In reliance on their same legal analysis, Mr. Stilley also seeks to intervene as a defendant of right. Dkt. 31 at 2 ¶ 7.

The United States opposes intervention as-of-right under Rule 24(a) because movants have not satisfied their burden to demonstrate that the State of Texas cannot adequately defend their interests in this case. The United States takes no position on permissive intervention under Rule 24(b).

Dated: September 28, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of this filing was served on Texas and its counsel of record through electronic filing in the Court's ECF system.

/s/ James Powers
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